

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

06/01/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 05-00260ACK

CASE NAME: United States of America vs. (01) James Low

ATTYS FOR PLA: Mark A. Inciong

ATTYS FOR DEFT: (01) James Low, Pro Se and Richard Kawana, Standby  
Counsel

INTERPRETER:

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JUDGE: Alan C. Kay

REPORTER: Stephen Platt

DATE: 06/01/2006

TIME: 9:25am-10:25am

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COURT ACTION: EP: Final PreTrial Conference-10:05am-10:25am-As to Defendant  
(01) James Low-Defendant present in Custody.

Length of Trial -Government-2 to 3 Days.

-Defendant-1 to 2 Days

Defendant will be filing a Witness List by Tuesday, 6/6/2006

Court and Counsel and Defendant Pro Se discussed Jury Instructions, Voir Dire, Jury  
Selection, etc.

Court hereby orders Stand By Counsel-Mr. Richard Kawana to provide the Defendant a  
Composition Notebook to assist him with his preparation for Trial on 6/6/2006.

Various Motions-9:25am-10:04am-Defendant present in Custody.

[76] Motion in Limine Unites States Motions in Limine To: (1) Limit Defendant's  
Comments in Opening Statement to those which will be proven at Trial-Granted.  
(2) Preclude or Limit the testimony of defense Witnesses who have no personal  
knowledge of any relevant evidence-Granted. (3) Preclude improper closing argument on  
penalty or sympathy-Granted. (4) Admit Expert Testimony and COS by USA as to James

Low-Court defers ruling on this matter until the time of Trial.

[92] Defendant's Motion in Limine to determine admissibility of FRE 801(d)(2) statements by James Low-Denied.

[93] Defendant's Motion in Limine regarding vouching for credibility of Government Witnesses-Granted.

[106] Defendant's Motion to Dismiss Indictment for vindictive prosecution-Denied.

[104] Defendant's Motion in Limine to exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts-Denied.

[103] Defendant's Motion to Dismiss indictment for violation of right to speedy trial-Denied.

[105] Defendant's Motion to Sever Counts-Denied.

[94] Defendant's Motion for Discovery-Denied.

[75] Government's Motion to Impeach Defendant pursuant to Rule 609-Denied.

[74] Government's Motion to admit 404 (b) Evidence-Granted.

Court to prepare a written Order.

Submitted by Leslie L. Sai, Courtroom Manager